

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERTO EVERADO GONZALES,)
)
)
Petitioner,)
)
)
-vs-) Case No. CIV-10-670-F
)
)
H.A. LEDEZMA, Warden,)
)
)
)
Respondent.)

ORDER

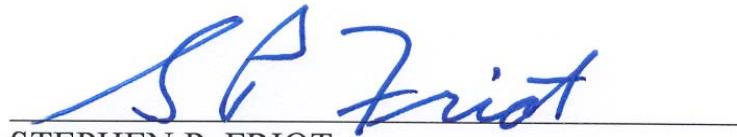
On July 26, 2010, United States Magistrate Judge Bana Roberts issued a Report and Recommendation, wherein she recommended that petitioner, Roberto Everado Gonzales' petition for a writ of habeas corpus under 28 U.S.C. § 2241 be denied upon filing.

Presently before the court is petitioner's timely objection to the Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of the matter. Having done so, the court agrees with the analysis of Magistrate Judge Roberts. The court finds petitioner's objection to be without merit. The court also finds that issues raised for the first time in petitioner's objection to the Report and Recommendation are waived. Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996). The court therefore accepts, adopts and affirms the Report and Recommendation of Magistrate Judge Roberts.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Bana Roberts on July 26, 2010 (doc. no. 9) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**.

Petitioner, Roberto Everado Gonzales' petition for a writ of habeas corpus under 28 U.S.C. § 2241 is **DENIED** upon filing.

DATED August 24, 2010.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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